



**Transcript for the May 28, 2014, Webchat
Nonimmigrant and Immigrant Visas**

Q: Travelling to the USA on an esta as under criminal convictions, As I believe, you do not have to declare the conviction, this includes things such as criminal damage ect, if this happened under the age of 18, is this correct? Or does someone still have to apply for a visa, or can the fly on their approved esta, as anything under 18, doesn't have to be declared uner the USA immigration policy?

A: We recommend that anyone that has ever been arrested, convicted or cautioned – regardless of when, where or why - applies for a visa if they wish to visit the United States. A visa does not guarantee entry but it is strong evidence that the traveler's case has been extensively vetted by a Consular Officer overseas. If an arrest, caution or conviction may be material to the decision to admit an alien, a Visa Waiver Program traveler is much more likely to face additional questioning by U.S. immigration officials at the U.S. Port of Entry. If insufficient evidence exists that the traveler is admissible to the United States, he or she will be denied entry to the United States and returned home at considerable personal inconvenience and expense. Please be aware that the Rehabilitation of Offenders Act does not apply to U.S. visa law.

Q: I am travel to united state of America, I have been granted esta visa program but I have made a mistake when I was completing the application online. I was refused USA visa before in once but I made a mistake tick no on the application but my application did went trough, what would I do to correct the mistake so I will not be having a problem in USA customs please tell me.

A: The Electronic System for Travel Authorization (ESTA) is administered by the U.S. Customs and Border Protection (CBP). Check out their website at https://help.cbp.gov/app/answers/detail/a_id/1088/kw/mistake/session/L3RpbWUvMTQwNjcxNjE1Ni9zaWQvWnl4KjIBLWw%3D for advice on how to proceed if you made a mistake when completing your ESTA registration.

Q: I am from India working as a pharmaceutical technical assistant. my passport is going to expire on 30/10/2014. I want to apply for visitor visa for USA. so can it affect while I will go for visitor visa? Please guide me

A: Anyone physically present in the United Kingdom can apply for a visa here, regardless of their status in the UK. Please visit our website at <http://london.usembassy.gov/niv/apply.html> for detailed information about the nonimmigrant visa application process in the UK. Step 5 has information about the documents you will need to bring with you to your visa interview, including information about passport validity requirements.

Q: Hi, I am a UK citizen currently studying in the US on a student M1 visa. My course finishes, and my visa expires in October 2014. Once my course is finished I would like to travel around the US for a couple of months. If I fly out of the US to Canada in October and re-enter the US with an ESTA, would this be allowable? Thanks

A: If you wish to depart the United States and then subsequently travel to a U.S. Port of Entry to apply for admission for tourist purposes, see our website at <http://london.usembassy.gov/niv/vwp.html> to help you decide if you may be eligible to travel visa free under the Visa Waiver Program. If you are not eligible to travel under the Visa Waiver Program, you should apply for a B-2 (tourist) visa.



The decision about each individual's eligibility for admission to the United States on each occasion is made by U.S. immigration officials at the U.S. Port of Entry; no assurances can be given in advance.

Q: I apply, few times to, visit my parents and was denied my dad pass away and my visa was deniedmy mother is doing dialysis 3 times a week ...how can I get to see my mother ...I am a law abide uk citizen.

A: Anyone that has been refused a visa can reapply if they would like to. The decision on each applicant's eligibility for a visa on each occasion is a matter for the adjudicating consular officer following a new interview. Information about the nonimmigrant visa application process in the UK is on our website at <http://london.usembassy.gov/niv/apply.html>

Q: I am a US citizen, currently living and working in the UK, and I am engaged to a UK citizen. My fiance and I are looking to marry and move to the US next year. I've seen on some visa guides that it is possible for US citizens living abroad to file for spousal visas directly at the consulate, which can result in shorter processing times. Is this true?

A: Our website at <http://london.usembassy.gov/immigrant-visas/immediate-relatives.html> has information about how U.S. citizens resident in the UK can file an immigrant visa petition for their spouse with the United States Citizenship and Immigration Services (USCIS) Field Office in London. If you have any additional questions about the petition process, please contact USCIS for clarification.

Q: Proof of funds – I have been selected for DV Lottery 2014 and have received a letter stating that proof of funds is required for the interview. If i do not have a sponsor can you please explain how much savings and other documents would be sufficient? Also if I were able to get a friend to complete a I-134 Form can you please confirm where they would need to submit this and also how much in assets or income would they need to possess?

A: There's no set amount of funds, and no set type of evidence, that a DV applicant must show. However, a completed Form I-134 is one way a DV applicant can choose to show the consular officer that they are not likely to become a public charge in the United States.

Q: I am traveling to the United States on B2 category. I just wanted to know if it's advisable to pay for my sightseeing and events and get all confirmation to be included in my visa application? I also want to know if a hotel reservation or a confirmed hotel booking should be included in my application?

A: We can't guarantee an outcome in a visa application case by any set date because processing varies in every case; any timescales are given only for guidance. We recommend that applicants don't make final travel plans unless they've received their passport containing a valid visa appropriate for their travel.

Q: Hi, My partner in the US is in the process of applying for a K-1 Fiance Visa (Status : Intitial Review) and I was checking the Visa Interview Preparation Checklist info. I saw that those applying for a K visa needed to complete D160 at Step One. I followed the link and it is titled 'Apply for Nonimmigrant Visa'. I thought I was an Immigrant? Im confused by the wording. Can you clarify please?

A: After you've been notified that the petition has been approved, your partner will be mailed instructions about how to proceed with the visa application, including information about Form DS-160. Although K-1 visas are processed by our Immigrant Visa Unit, they are considered nonimmigrant



visas because the beneficiary intends to adjust to immigrant status in the United States after the marriage.

Q: My parents are visiting me in the U.S. and they would like to take a cruise ship to visit Mexico and West Caribbean for about one week. Their I-94 is valid, however their visas have expired. Do they need new U.S. visa to re-enter the U.S. when they come back from the cruise? Thanks!

A: Typically, a visitor must be in possession of a valid nonimmigrant visa in order to travel to the United States Port of Entry to apply for admission to the United States, unless they are eligible to travel under the terms of the Visa Waiver Program. However, if your parents are in possession of a valid Form I-94, they may wish to contact the U.S. Customs and Border Protection (CBP) to discuss their circumstances. Information and contact details can be found via their website at www.cbp.gov

Q: I got married for the first time to a US Citizen. He prefer that I immigrate to the US, but my worry is I have been single mother and my adults kids have always lived with me, been there for me through good and bad times and never left me. Now i am really scared that I will be so far away and it has been stressful for me thinking about it. Both my husband and I would like them to come live with us to or at least be in the US too. How can we make this happen. We are in our 50s and he knows that it will be hard for me to let go., especially as I was a cancer patient and they were there to support me 100%

A: If your children aren't U.S. citizens and they wish to reside in the United States indefinitely or permanently, they will each require an immigrant visa. Please see our website at <http://london.usembassy.gov/immigrant-visas.html> for a list of all the available immigrant visa categories.

Q: Hello, I am a U.S. Citizen petitioner for my U.K. citizen wife of 10 years. We are UK residents who wish to retire to the US together. The USCIS in London approved my I-130 petition in early June. In the Approval Notice letter, it specifically states this concludes all USCIS actions and that the Consular Section will contact the beneficiary and provide instructions about applying for a visa. We are confused, as UK residents, what the next step in the process is. We saw in a previous Blog response, the instructions for next steps might take 8 weeks before they are received, but we are not sure if this applies to UK residents or just US residents? Moreover, what are these next steps? Do we have to fill in new forms e.g. DS-260/261, as would be used if the USCIS had sent the approved petition to the NVC? Any clarification is appreciated. Thank You.

A: If you have been advised that the petition in your wife's name has been approved by USCIS London, she can expect to be mailed a letter within 8 weeks with information about the immigrant visa application process.

Q: Hi hope u will help me with this, i was working here in uk and i m indian, my sister lives in USA and i would like to visit her. Can u please help me with the processing how to apply and which type of visa we have to apply, maintainance of funds and fee and what is the time period to stay over their in USA.

A: Based on the information you've given, if you'd like to travel to the United States for tourism and to visit family then you should apply for a B-2 (tourist) visa. Information, including about documents necessary on the day of the visa interview, is available at <http://london.usembassy.gov/niv/apply.html>



You should be prepared to demonstrate to the satisfaction of the consular officer that you intend to travel for a temporary visit only, after which you will return to your place of residence abroad. Final determination on each individual's eligibility for admission to the United States, including the authorized length of stay, is a matter for U.S. immigration officials at the U.S. Port of Entry.

Q: I live in the UK with my British husband. I have an Indefinite Leave to Remain (permanent residence). I'd like to visit the States as my father lives in Florida (He is a US permanent Resident). I'm not sure if I'll be granted permission to enter the US because I overstayed my visa when I entered the country in 2001 and stayed up until 2004. I left voluntarily but then went to the US embassy in my country to ask for a tourist visa again, they obviously knowing I overstayed my first visa, denied me any more visas and told me I would have to wait at least 10 years before I could apply for a US visa again. 10 years have passed and now I'm living in the UK. My question is, if I go again to the US embassy, would I have a chance to get a tourist visa again? Do I need to submit an apology for overstaying my visa ten years ago? What is your advice? I also will be able to apply for British citizenship and thus a British passport next year 2015. Would I still need a visa for the US if I use my British passport? Thank you.

A: Individuals that have committed a U.S. immigration violation, including overstaying their authorized period of admission to the United States, require a valid visa for any future travel to the United States. You are not prohibited from applying for a visa at any time, if you wish to do so. If you want to travel for tourism and to visit family, you should apply for a B-2 (tourist) visa. See our website at <http://london.usembassy.gov/niv/apply.html> for application instructions, with particular reference to Step 2. Final determination on each individual's eligibility for a visa is a matter for the adjudicating consular officer following a visa interview and no assurances can be given in advance. We advise all applicants not to purchase tickets or make final travel plans unless they have received their passport containing a valid U.S. visa appropriate for their purpose of travel.

Q: I am an Indian national and currently working in UK on the below visa category Visa Type - Tier 2 Intra Company Transfer Long Term Staff Migrant Valid From – 03/04/14 Valid Until – 30/04/16 I would like to get a Non-immigrant visa to US for tourism purpose. Please clarify me on the below queries 1. Can I apply from UK and will I be granted VISA if I provide all the required documents? 2. Do I need an invitation letter from my friend who is in US? 3. What are the documents required?

A: Information about the nonimmigrant visa application process in the UK can be found on our website at <http://london.usembassy.gov/niv/apply.html>. No assurances about issuance can be given as the decision is entirely a matter for the consular officer following a visa interview. No letter of invitation is needed; applying for a nonimmigrant visa isn't primarily a document based process. Typically, the information given via the application form and during the visa interview is enough for the consular officer to decide if an applicant qualifies for a visa.

Q: hi, i am contemplating renewing my visa~my current one expires in nov~but am confused by the new process. in which order do i: fill in ds form: make appointment at London embassy (by phone?) apply for police certificates? many thanks in advance.

A: A step by step outline of the nonimmigrant visa application process is available on our website at <http://london.usembassy.gov/niv/apply.html>. You might want to check our YouTube video, available on that page, for tips about scheduling a visa interview. If you've ever been arrested, convicted or cautioned, make sure you review Step 2 for information about the UK Police Certificate (ACRO) and Form VCU-01 that you will be required to bring with you to your visa interview.



Q: I have been refused a non-immigrant visa in 2012 on the basis section 212 (a) (1) (A) (iii) of medical ineligibility . I have been convicted for Drink Driving offence at that time i.e 2012 . Now I have my license is back after DVLA Medical . Do I still need another medical for US visa?

A: Based on the information you've provided, you will require a valid visa for any future travel to the United States. Please see our website at <http://london.usembassy.gov/niv/apply.html> for information about the visa application process, particularly Step 2 and Step 5 for information about the documents you should bring to your visa interview. This office does not pre-adjudicate applications; the consular officer will advise you regarding your case during your visa interview.

Q: We appeared for visa interview on 28Jul2014 and our UK visa is expiring on 07Aug2014 but due to glitch in department's global database am afraid my passport will not be returned with stamped visa before 07Aug2014. As a result, please advice how can we get our passport back from US Embassy London before stamping of non immigrant visa in order to enable us leave UK lawfully on or before 07Aug2014?

A: As you are aware, the Department of State Bureau of Consular Affairs is currently experiencing technical problems with our visa system which are affecting operations globally. We sincerely regret any inconvenience this has caused you. Although we do not have a timeline for when the systems will be fully operational, we can advise that visas at Embassy London are slowly being printed and returned. As soon as your passport has been received and processed for delivery by the Embassy's approved courier service, you be sent an email with information about how to track the status of your delivery.

Q: During administrative processing can we send passport to US Embassy London from abroad and for such cases does US embassy courier the stamped passport outside UK?

A: It is not possible for passports to be submitted from abroad as applicants should be physically present in the United Kingdom at the time of application and issuance. If your passport has been requested and you are no longer in the UK, please contact us via our contact form at http://london.usembassy.gov/niv/contact_page.html

Q: I am writing to find out information, i am a israeli passport holder who currently resides there, have indefinite leave to remain in the UK. I am currently in israel and as the embassy is closed there due to the war i would like to apply for a visa to the US to visit my son who lives there. I had a 10 year visa that expired a couple of months ago. Can i make an appointment via the american consular in london to apply for the visa?

A: Please visit the website of the Embassy in Tel Aviv for clarification about the current status of visa services there. If you choose to apply for a visa via the Embassy in London, you must be physically present in the UK at the time of application as well as at the time of issuance if the visa application is successful. We can't pre-adjudicate applications or speculate on a likely outcome as the decision about each individual's eligibility for a visa is a matter for the adjudicating consular officer. Please see our website at <http://london.usembassy.gov/niv/apply.html> for information about the application process in the UK.



Q: What impact is the Consular Software Glitch having on nonimmigrant visa issuance timeframes? How many additional days from the 3-5 working days are expected? How does the significantly reduced capacity translate into percentage - 50% of normal capacity, 10%?

A: We don't currently have a timescale for the return to full operations but, as we explained earlier in this webchat, visas at Embassy London are slowly being printed and returned. Applicants will be emailed by the courier service once their documents are ready for delivery.

Q: Hi, can you confirm that an Affidavit of Support for a K type Visa is the I-134 form and a years Federal Tax returns please? Or do I also need a written statement/letter from my partner too. I am gathering info for my actual interview.

A: While there is no set form of evidence required for K-1 visa applicants, Form I-134 is an efficient way such applicants can choose to show the consular officer they won't become a public charge in the United States.

Q: I am an Indian national and currently working in UK on the below visa category Visa Type - Tier 2 Intra Company Transfer Long Term Staff Migrant and my visa is valid till 20/04/16. I have business meeting with client in Dallas Texas USA. 1. Can I apply from UK ? 2. what will be the VISA validity I get ?

A: As mentioned earlier in this webchat, anyone physically present in the UK can choose to apply for a visa here, regardless of their status in the UK. Detailed information about the visa application process is available on our website at <http://london.usembassy.gov/niv/apply.html> Final determination on each individual's eligibility for a visa, including the terms of any visa, is a decision to be made by the adjudicating consular officer at the time of application.

Q: Anyhow my question today is, We live in the isle of man with Indian passports. If we want to travel to US on a tourist visa, Do I have to visit the London embassy personally to apply for the visas?

A: All B-2 (tourist) visa applicants aged 14-79 inclusive are required to attend an interview in person to apply for a visa. Visa applicants can choose to book an appointment to attend the U.S. Embassy in London or the Consulate General in Belfast.

Q: Hi, I'm about to file my DS-160. Do you know how long after this it is before I can then request an appointment for my interview?

A: If you will be applying for a nonimmigrant visa, you can schedule your visa interview once you have printed your DS-160 confirmation page. Check our website at <http://london.usembassy.gov/niv/apply.html> , particularly the YouTube video, for tips about booking an appointment. The booking service operates in real-time, so we can't guarantee an appointment on or by any set date.

Q: Hi, I am a UK resident (international student) and I would like to visit my brother (US citizen) during the summer with my family. I've got a little baby (10 months) of age and I wonder If I have to bring him with me during the visa interview? Thanks



A: We recommend you visit our website at <http://london.usembassy.gov/niv/vwp.html> to help you determine if you and your son are eligible to travel visa free under the Visa Waiver Program. If not, you will each require B-2 (tourist) visas if you'd like to visit the U.S. for tourism and to visit family. Please visit our website at <http://london.usembassy.gov/niv/apply.html> for details of the application process. Children under the age of 14 are not typically required to attend the visa interview, however a completed Form DS-160 and Machine Readable Visa (MRV) fee payment is required for every applicant regardless of age. We recommend you view our YouTube video on that webpage for further tips.

Q: Can someone authorised by us personally collect our passport from US Embassy london?

A: For reasons of security, it is not possible for visa applicants or third parties to collect documents from the Embassy in person.

Q: I have a question, parent are US citizens, Can they filled for a greencard for me as a married person (male 35 years old) ,i have a dual citizenship will they have to file for me with me country of birth or my EU Citizenship as i am resident in Europe Now

A: If you're not eligible for U.S. citizenship and you'd like to live in the United States indefinitely or permanently, you will require an immigrant visa. The forms required to apply for a Permanent Resident card (commonly known as a 'Green Card') are only provided to immigrant visa holders at the time they are admitted to the United States as an LPR.

Please see our website at <http://london.usembassy.gov/immigrant-visas.html> for a list of the available immigrant visa categories. If your parents have any questions about how to file a petition with the United States Citizenship and Immigration Services (USCIS) after reviewing that website, they should contact USCIS directly.

Q: Hello, I have a pending F1 family based petition awaiting visa number. now I have a child out of wedlock. will my child be qualified to immigrate with me?

A: If you have been advised that your immigrant visa case is being held by the National Visa Center in the United States awaiting a visa number, you should contact them to pursue your inquiry.

Q: I am on a minister of religion visa in England. I am a pastor in training and a teacher at a bible college. I have been invited to do a 2 Sunday bible teaching at an affiliate church in the USA. Do I qualify for a B1 or B2 visitors visa? I am from Nigeria.

A: If you are uncertain about the appropriate visa category for your purpose of travel after reviewing our website at <http://london.usembassy.gov/niv/niv Visa categories.html> , please use our contact form to provide additional information about your purpose of travel.